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10/046,852	01/15/2002	Hiroshi Matoba	15210	5935

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EXAMINER

TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/046,852

Applicant(s)

MATOBA ET AL.

Examiner

DANIEL TEKLE

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 22-31 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 22-31, 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Argument

Applicant's arguments filed June 04, 2008 have been fully considered but they are not persuasive.

Applicant argues on page 3 of the remark, "Finseth does not disclose or suggest timer recording pattern information, that is, times, channels, etc, indicating when particular programs will be available for recording, and does not provide from the server this timer recording pattern information".

In response the examiners respectively disagree. As previously the non-final office action stated, Finseth disclose a server sends group viewing preference information to receiver 64 via satellite data stream 28 along with guide data, advertising data and televising program data (column 14 lines 23-26). Therefore Finseth more than adequately provides support for the claimed limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-5, 7-8, 22-27, 29-30 and 38 are rejected under 35 U.S.C 102(e) as being anticipated by Finseth et al. (U.S 6,813,775).

Regarding Claim 1: Finseth et al. discloses, a method of selecting a program which meets a user's taste from broadcast programs and recording the selected program in automatic broadcast recording apparatus in a system having a server and the automatic broadcast recording apparatus, comprising the steps of: at a server (**column 13 line 53, broadcast center includes a server**): disclosing timer recording pattern information for recording broadcast programs (column 14 lines 20-30, a **guide data, advertising data and television program**) recommended by at least one opinion leader (**column 13 lines 49-62, server receives incoming preference information from a plurality of users**); at each of automatic broadcast recording apparatus: acquiring timer recording pattern information of the one of the opinion leader selected by user (**column 14 lines 31-50**); setting timer recording for one of the broadcast program by using timer recording pattern information (**fig. 4**); and receiving the program set for timer recording and recording the received program (**fig. 4 and fig. 3 elements 68**).

Regarding Claim 2-3: Finseth et al. discloses, broadcast programs include video data and audio data (**column 1 lines 55 to column 2 lines 2**).

Regarding Claim 4: Finseth et al. discloses, a method according to claim 1, further comprising the step of: acquiring program information including identification codes of the broadcast programs and broadcasting dates and times thereof at each of automatic broadcast recording apparatus (**fig. 4 and column 9 lines 20-27**); wherein timer recording pattern information includes identification codes of the programs recommended by the opinion leader selected by the user (**column 9 lines 28-49**); and

wherein step of setting timer recording includes the step of selecting the program from program information (**column 9 lines 28-49 and fig. 3 elements 68**).

Regarding Claim 5: Finseth et al. discloses, a method according to claim 1, wherein timer recording pattern information includes start-of-program times and end-of-program times of the programs recommended by the opinion leader selected by the user (**column 9 lines 28-49**); and wherein the step of setting timer recording includes the step of selecting the program from the start-of-program time and end-of-program time thereof (**column 9 lines 28-49**).

Regarding Claim 7: Finseth et al. discloses the steps of: recording a timer recording history including information Of programs set for timer recording (**column 14 lines 20-30, a guide data, advertising data and television program**); and selecting an opinion leader who meets the user's taste based on timer recording history (**column 11 lines 43-56**).

Regarding Claim 8: Finseth et al. discloses further comprising the steps of: at each of automatic broadcast recording apparatus: recording a recording history including information of recorded programs; and selecting an opinion leader who meets the user's taste based on recording history (**column 11 lines 43-56**).

Regarding Claim 22: Finseth et al. discloses a method of selecting a program which meets a user's taste from broadcast programs and recording the selected program in automatic broadcast recording apparatus in a system having a server and the automatic broadcast recording apparatus, comprising the steps of: at server (**column 13 line 53**,

broadcast center includes a server): disclosing timer recording pattern information for recording programs selected according to respective predetermined selecting standards from the broadcast programs (**column 11 lines 49-50**); at each of automatic broadcast recording apparatus: acquiring timer recording pattern information selected by user (**column 11 lines 54-56**); setting timer recording for a program determined by timer recording pattern information (**column 11 lines 54-56**); and receiving the program set for timer recording and recording the received program (**column 11 lines 54-56 and fig. 3 element 68**).

Regarding claims 23: Claim 23 is rejected for the same subject matter as claims 1.

Regarding claims 24: Claim 24 is rejected for the same subject matter as claims 2.

Regarding claims 25: Claim 25 is rejected for the same subject matter as claims 3.

Regarding claims 26: Claim 26 is rejected for the same subject matter as claims 4.

Regarding claims 27: Claim 27 is rejected for the same subject matter as claims 5.

Regarding claims 29: Claim 29 is rejected for the same subject matter as claims 7.

Regarding claims 30: Claim 30 is rejected for the same subject matter as claims 8.

Regarding claims 38: Claim 38 is rejected for the same subject matter as claims 22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6, 9, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 6813775) as applied to claim 1-5 above, and further in view of Okada et al. (US 7095949).

Regarding Claim 6: Finseth et al. discloses all the features of the instant invention as discussed in claim 1 above except that the steps of: at each of automatic broadcast recording apparatus: recording a playback history including information of whether the recorded program is played back or not; and selecting an opinion leader who meets the user's taste based on playback history.

However Okada et al. teaches an automatic recording apparatus with a **view/playback history on figure 2 and 8. Also in column 7 lines 19-22 shows a list** deleted or updated according to the view/playback history request.

It would have been obvious to one ordinary skill in the art at the time of the invention to combine an automatic recording apparatus with a view/playback history taught by Okada et al. in to Finseth et al. system in order to record video image that have been broadcast in the past.

Regarding Claim 9: Finseth et al. discloses all the features of the instant invention as discussed in claim 4 above except it did not point out that at each of automatic broadcast recording apparatus: confirming the broadcasting date and time of a program to be recorded from program information when the program information is acquired, and correcting the broadcasting date and time if the broadcasting date and

time have been changed; however Okada et al. disclose view/playback history with updated information for automatic recording (column 7 **lines 13-29**).

It would have been obvious to one ordinary skill in the art at the time of the invention to combine an automatic recording apparatus with a view/playback history taught by Okada et al. in Finseth et al. system in order to record video image that have been broadcast in the past.

Regarding claims 28: Claim 28 is rejected for the same subject matter as claims 6.

Regarding claims 31: Claim 31 is rejected for the same subject matter as claims 9.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-

1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00
Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/Daniel Tekle/
Examiner, Art Unit 2621